



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 24 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Amy Feldhaus
Environmental Engineer
DP&L J.M. Stuart Generating Station
P.O. Box 468
Aberdeen, Ohio 45101

Re: Notice and Finding of Violation
Dayton Power & Light Company- J.M. Stuart Generating Station
Aberdeen, Ohio

Dear Ms. Feldhaus:

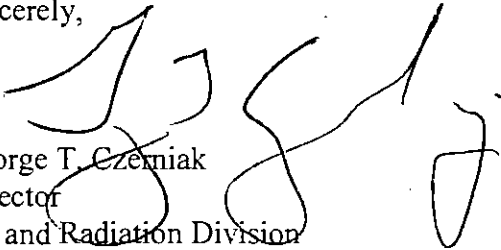
The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Dayton Power & Light Company J.M. Stuart Generating Station (you) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). We find that you have violated the CAA, its implementing regulations, the Ohio State Implementation Plan, and your Title V Operating Permit at your Aberdeen, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Patrick Miller. You may call him at (312) 886-4044 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: JoAnne C. Rau
Director, Environment and Safety Management
The Dayton Power and Light Company

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Cindy Charles, Director
Air Pollution Unit
Portsmouth City Health Department

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**DP&L J.M Stuart Generating Station
Aberdeen, Ohio**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. § 7401 *et seq.*

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)
) **NOTICE OF VIOLATION and
FINDING OF VIOLATION**
)
)

EPA-5-15-OH-09

NOTICE AND FINDING OF VIOLATION

Dayton Power & Light Company (you or DP&L) owns and operates an electric generating facility, J.M. Stuart Generating Station, located on U.S. Highway 52 in Aberdeen, Ohio (facility or "Stuart Station"). According to DP&L Stuart Station's Title V operating permit, it operates, among other things, coal-fired boilers identified as emission units B001, B002, and B003.

The U.S. Environmental Protection Agency is sending this Notice and Finding of Violation (NOV/FOV or Notice) to notify DP&L that you have violated the visible emission limits at your facility as specified in your Title V Operating Permit, and the Ohio State Implementation Plan (SIP). Violations of the visible emission limits constitute violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401 *et seq.*

STATUTORY AND REGULATORY BACKGROUND

1. The CAA is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).
2. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (NAAQS) to protect the public health and welfare.
3. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the NAAQS. Section 110 also requires that each SIP contain adequate provisions prohibiting any source within the state from emitting any air pollutants in amounts which will interfere with attainment or

maintenance of the NAAQS or cause significant deterioration of air quality in any other state. *See* 40 C.F.R. Part 52.

4. Section 111 of the CAA, 42 U.S.C. § 7411, requires the Administrator of the EPA to establish federal standards of performance for new sources within the list of categories of stationary sources. *See* 40 C.F.R. Part 60.
5. Section 502(b) of the CAA, 42 U.S.C. § 7661, requires the Administrator of the EPA to promulgate regulations which establish the minimum elements of a permit program to be administered by any air pollution control agency. *See* 40 C.F.R. Part 70.

Ohio State Implementation Plan – Opacity Regulations

6. EPA approved OAC Chapter 3745-17-07(A)(1) as part of the federally enforceable Ohio SIP on June 27, 1994. 59 Fed. Reg. 27464.
7. OAC 3745-17-07(A)(1) of the Ohio SIP requires that “visible particulate emissions from any stack shall not exceed twenty percent opacity, as a six-minute average. [The]... visible particulate emissions from any stack may exceed twenty percent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed 60% opacity, as a six-minute average, at any time. June 27, 1994 (*See* 59 Fed. Reg. 27464).

Title V Requirements

8. EPA promulgated full approval of the Ohio’s Title V program on August 15, 1995. *See* 40 C.F.R. Part 70, Appendix A; 60 Fed. Reg. 42045. Ohio’s Title V program became effective on October 1, 1995. *See* 60 Fed. Reg. 42045.
9. The Ohio regulations governing the Title V permitting program are codified at OAC 3745-77, and are federally enforceable pursuant to Section 113(a)(3).
10. On May 6, 2001, Ohio Environmental Protection Agency issued a Final Title V Permit (modified September 1, 2005) to DP&L Stuart Station in accordance with OAC 3745-77 of the Ohio SIP. The Title V permit contained the following provisions:
 - a. Part III Emission Unit B001 (Boiler No. 1) Term and Condition A.I.1 specifies that visible particulate emissions shall not exceed 20% opacity, as a 6-minute average, except as provided by rule, OAC rule 3745-17-07(A).
 - b. Part III Emission Unit B002 (Boiler No. 2) Term and Condition A.I.1 specifies that visible particulate emissions shall not exceed 20% opacity, as a 6-minute average, except as provided by rule, OAC rule 3745-17-07(A).
 - c. Part III Emission Unit B003 (Boiler No. 3) Term and Condition A.I.1 specifies that visible particulate emissions shall not exceed 20% opacity, as a 6-minute average, except as provided by rule, OAC rule 3745-17-07(A).

EXPLANATION OF VIOLATIONS

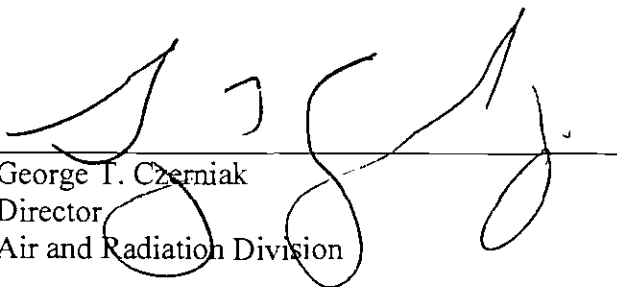
11. On September 30, 2014, from 2:39 PM to 3:09 PM, EPA took visible emission readings in accordance with EPA Method 9 of the stack for emission units B001, B002, and B003 at DP&L Stuart Station and observed excess opacity above 20% as a 6-minute average. This excess emissions period appeared to continue beyond EPA's observation period above, and was noted while EPA was leaving the observation area.
12. DP&L violated and continues to violate Stuart Station's opacity limits contained in OAC 3745-17-07(A) of the Ohio SIP, and its Title V Permit.

ENVIRONMENTAL IMPACT OF VIOLATIONS

13. Violation of the opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

12/24/14


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-OH-09, by Certified Mail, Return Receipt Requested, to:

Amy Feldhaus
Environmental Engineer
DP&L J.M. Stuart Generating Station
P.O. Box 468
Aberdeen, Ohio 45101

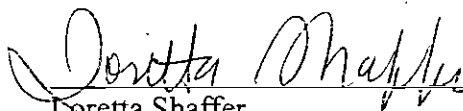
I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

JoAnne C. Rau
Director, Environment and Safety Management
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432

Robert Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
Columbus, Ohio 43215

Cindy Charles
Director, Air Pollution Unit
Portsmouth City Health Department
605 Washington Street, Third Floor
Portsmouth, Ohio 45662

On the 29 day of December 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 1013